

Application No. 10/566,047
Amendment Dated July 24, 2009

Amendments to the Drawings:

The Examiner's approval of the following drawing correction is respectfully requested.

The attached sheet of drawings includes changes to Fig. 3. This sheet replaces the original sheet numbered 3 of 3 as well as the replacement sheet presented with the previous response dated January 13, 2009. The Replacement Sheet contains no new matter.

REMARKS

In the Office Action dated 2nd July 2008, the Examiner objected to the drawings as filed because they did not illustrate the "flexibly resilient metal strip" claimed. In response, in the reply dated 2nd October 2008, the applicant revised Figure 3 to show the metal strip, and also revised the description accordingly.

However, in the Office Action dated 27th May 2009, the Examiner objected to the replacement drawings because they were deemed to include new subject matter, namely the representation of the "deformable portion of the metal strip". The Examiner further objected to the revised specification, again due to the identification of the "deformable portion" by the reference numeral 44, by which the deformable portion is denoted in the replacement drawing. Still further, the representation of the deformable portion (44) in the drawings and specification gave rise to an added subject matter rejection against pending claims 13 to 20.

In response, the applicant has again revised Figure 3, so as now to eliminate the "deformable portion" and reference numeral 44, and has also revised the description accordingly so as to delete all instances of the reference numeral 44. It is noted that the added subject matter rejection of claims 13-20 resulted only from an interpretation of those claims having regard to the alleged added subject matter in the drawings and specification. That is to say, no added subject matter rejection arose from any amendment made to the claims themselves in the response of 2nd October 2008. As such, the deletion of the alleged added subject matter from the drawings and specification removes the possible interpretation of the claims as relating to added subject matter. Consequently, no amendments to the claims themselves are presented in the present response.

The applicant requests that the Examiner approve the revised drawings and specification amendments, neither of which contain new subject matter.

The applicant respectfully submits that the erroneous inclusion of a representation of the "deformable portion (44)" in the previous revised drawing was due to an over-zealous application of the Examiner's direction in the Office Action of 2nd July 2008 that "the drawings must show every feature of the invention specified in the claims". When preparing the response of 2nd October 2008, the applicant interpreted this direction such that the

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"deformable portion" was considered to be a feature of the invention. However, the applicant now accepts, and submits, that the "deformable portion" is in fact inherently part of the metal strip, rather than being a feature of the invention. This submission is made having regard to the discussion of the background prior art (see for example page 2, lines 13 to 23 of the Application as filed) in which the flexing of a metal strip having a deformable portion to generate a clicking noise is described with reference to prior art devices.

There are currently no other rejections of record.

An effort has been made to place this application into condition for allowance and such action has been earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

A handwritten signature in black ink, appearing to read "Thomas M. Wozny", written in a cursive style.

Thomas M. Wozny
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770